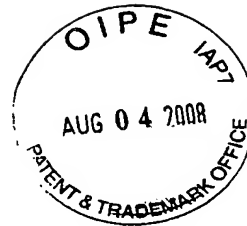


Mail stop -PETITION  
Commissioner for Patents  
United States Patent and Trademark Office  
Alexandria  
VA 22313-1450  
USA



Re application 10/562,525  
Filed December 27 2005  
Entitled: FENCING INCLUDING VISIBLE BAND

RENEWED PETITION UNDER 37 CFR 1.137 (a)

For the attention of –

Alesia M. Brown  
Patent Attorney,  
Office of Petitions.

I refer to your letter dated 16<sup>th</sup> June 2008.

Both the issues you raised have been dealt with.

Firstly the amendment to the address of the applicant has been registered.  
Copies of the forms mailed on the 17<sup>th</sup> July are attached.

The Petition form has now been has now been corrected to include the  
authorisation of both recorded applicants.

Please note that on two occasions the first renewal fee has been tendered only  
to be returned due to the application being recorded as abandoned.

Yours sincerely

Michael Smith



Michael Alexander Smith declares as follows

1. I am the applicant in the above application.
2. My reply to Mr Ernesto's Garcia's examination report was despatched on October 31<sup>st</sup> through New Zealand Post and DHL to the US Patent and Trademark Office. See copy of NZ Post receipt and Consignment note.
3. Enclosed with the reply was a bank draft for \$795.00 in keeping with the delayed response. See copy of Westpac Banking Corporation receipt.
4. Instructions on the consignment note were for the package to be returned if delivery could not be made. This was not done.
5. It is unclear what happened to the package after arrival in the US. Many conflicting remarks have been made by DHL. Ultimately the package was requested to be returned to New Zealand and although this has been done it still has not arrived in my possession.
6. New Zealand Post acknowledge that the package appears to be lost and confirm that in their letter of 13<sup>th</sup> February 2008. On going searches have continued but to date without success.
7. On the 6<sup>th</sup> January 2008 the first renewal fee was forwarded and this original documentation together with the fee is enclosed. This was returned by the USPTO due to the patent then being recorded as "Abandoned". This is now enclosed should this petition be accepted.

I humbly submit that the circumstances that befell the non arrival my reply to Mr Garcia's examination report were outside my control and that the failure of DHL to either deliver or promptly return my submission have resulted in an unavoidable outcome.

Your reinstatement of the Patent, acceptance of the reply to the examiners report and the recording of Payment of the maintenance fee would be greatly appreciated.

Signed

Name

MICHAEL  
ALEXANDER  
SMITH

Date

31 July 2008

CAROLYN  
YNDRA  
SMITH

31 July 2008



# Consignment Note complete this form in English

TO (Receiver)		Date: 24 01 07
Name: DOMINION		
Company: P. S. PAPER		
Address: P.O. BOX 100000		
City: DALLAS TEXAS		
City: ALEXANDRIA	Postal/Zip Codes: 22304	
State/Region: VIRGINIA	Tel No:	
Country: USA		
Receiver's VAT/GST No. (optional):		

FROM (Sender)	
Name: DOMINION	
Company:	
Address: P.O. BOX 100000	
City: DALLAS TEXAS	
City: ALEXANDRIA	Postal/Zip Codes: 22304
Country: NEW ZEALAND	Tel No: 07 224 4444
Sender's Account No (TPID):	
Sender's ID and Reference:	

3. CUSTOMS DECLARATION		
Itemised List of Contents:	No. of items	Value NZ\$
<input type="checkbox"/> Documents <input type="checkbox"/> Gift <input type="checkbox"/> Merchandise/Sample		
PAPER, PAPER, PAPER	1	100



ED 158 733 444 NZ

Please tick the service you require.

☒ International Express

☐ International Express

☐ PRIORITY

(for approved commercial customers only)

## 4. ADDITIONAL COMPENSATION COVER / NON-DELIVERY

Additional Compensation Cover

☐ Cover Required

Insured Value NZ\$

Sender's instructions in case of non-delivery

☒ Return (at sender's expense) ☐ Treat as Abandoned/Discard

## 5. SENDER'S AUTHORIZATION AND SIGNATURE

I certify that the contents do not contain any prohibited or dangerous articles and may be opened officially. I agree to the terms and conditions of carriage on the reverse of the Sender's copy.

Signature of Sender



## Instructions

1. Please press firmly with a ball point pen, making 4 copies.
2. Complete this form in English.
3. Mark the box next to the type of goods you are sending.
4. Remove Sender's copy (after payment is received) to New Zealand Post only.
5. An export invoice MUST be completed for all non-documents (gifts, merchandise, sample, etc.).

## OFFICIAL USE ONLY

Office of Origin:	Date: 31 10 07
Gross Chargeable Weight:	Postage Paid:
Size: L x W x H (mm)	25 x 30 x 10
Signature of Accepting Officer: [Signature]	

Visit our website on [www.nzpost.co.nz](http://www.nzpost.co.nz) or call our Customer Service Centre 0800 7363 53.New Zealand Post would like to contact you to keep you informed about services that you may be interested in. If you do not wish to receive additional information please tick here. ☐

Code ON01 (08/06)



SENDER'S COPY

Taumarunui  
58 Miriama Street  
Taumarunui

31 October 2007



Visi-Band Fencing Systems Limited  
C/- MA + CY Smith  
657 Ongarue Stream Road, RD  
Waimiha

We have issued draft number: 15090484  
In favour of: U.S Patent and Trademark Office  
For amount: USD 795.00  
Our transaction reference: 0426 000002363  
Value date: 31/10/2007

**Our Bank Charges**

DRAFT COMM.	NZD	25.00
TOTAL BANK CHARGES:	NZD	25.00

**Conversion Details**

AMOUNT	FEC No.	EXCH. RATE	AMOUNT
USD 795.00		0.75930000	NZD 1,047.02
NZD 25.00		1.00000000	NZD 25.00

**Settlement Details**

CUSTOMER REF	ACCOUNT NUMBER	AMOUNT
	03-0426-0208271-00	NZD 1,072.02 DR

**Terms and Conditions**

Other banks, including overseas banks and branches of Westpac, may deduct their charges from the proceeds prior to effecting payment. These charges vary by bank and by country.

Depending on the Beneficiary's location/bank there may be a delay in providing clear funds by overseas banks.

Any stop payment or enquiries as to whether a draft has been presented, at the request of the purchaser, may be subject to an additional fee. All enquiries are to be made through the Westpac Branch from which the Draft was purchased or your nearest Branch. Please present this receipt showing the details of your Draft to assist us with your enquiry.

Westpac Institutional Bank or its correspondents are not responsible for any delay in payment or loss of draft.

NEW ZEALAND POST  
PEOPLE REACHING PEOPLE

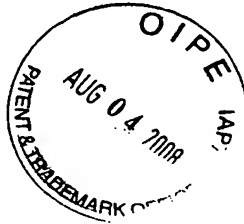
New Zealand Post Limited  
TAUMARUNUI

31-OCT-2007

12:23:32

TXN NO. : W1108020 69836  
Teller Id : TELLER2

Receipt For New Zealand Post  
Products Or Services  
TAX INVOICE GST #27-351-767



PRODUCT	QTY	\$ AMOUNT
INT EXP DOC A,B,C,D,E Destination Weight 500gn & 1.0kg 0 - 500gn Weight(kg) 0.05	1	41.70*
SUBTOTAL		\$41.70

ALL PRICES GST INCLUSIVE  
GST DOES NOT APPLY TO ITEMS MARKED \*

EFTPOS	
5035138482220247	DEBIT 0908 CHQ
31/10/07 12:22:26 00	TERM 194111080003
TRANS NO 030459	AUTH CODE 184088
PURCHASE	\$41.70
CASH OUT	
TOTAL AMT	\$41.70
	ACCEPTED

TRANSACTION TOTAL	\$41.70
Eftpos ( 1 )	\$41.70

CUSTOMER ENQUIRY SUMMARY

Enquiries:

To track your parcel(s) go to  
[www.nzpost.co.nz/trackandtrace](http://www.nzpost.co.nz/trackandtrace)

OR  
EXPRESS INTERNATIONAL 0800-736-353

Item Identifier(s)

ED158733444NZ

NEW ZEALAND POST  
PLEASE RETAIN AS PROOF OF PURCHASE



NEW ZEALAND POST  
CUSTOMER SERVICE CENTRE  
PO BOX 90242  
AUCKLAND MAIL CENTRE  
AUCKLAND 1142

TOLL FREE: 0800 736 353  
FACSIMILE: (09) 367 9669

x9534673

13 February 2008

Michael Smith  
657 Ongarue Stream Road  
RD 1  
Waimiha 3998

Dear Michael Smith,

Thank you for your inquiry concerning the parcel posted to Us Patent and Trademark Office on 31<sup>st</sup> October 2007.

Compensation for the failure of delivery of the item is now being considered. If approved, we will direct credit the compensation payment to your nominated bank account. In order that this may be finalised, please provide the following, if not already supplied; proof of posting, proof of purchase (receipt or invoice) and bank account details (such as a printed deposit slip or bank statement showing name and account details only).

Please respond within 5 days of this letter. Claims will be declined should this documentation not be provided.

Yours faithfully

Conrad Hargreaves  
Customer Service Representative



NEW ZEALAND POST  
CUSTOMER SERVICE CENTRE  
PO BOX 90242  
AUCKLAND MAIL CENTRE  
AUCKLAND 1142

TOLL FREE: 0800 736 353  
FACSIMILE: (09) 367 9669

X9534673

27 March 2008

Michael Smith  
657 Ongarue Stream Road  
RD 1  
Waimiha 3998

Dear Michael,

Thank you for your inquiry concerning the parcel ED158733444NZ posted to Us Patent and Trademark Office on Wednesday, 31 October 2007.

Regrettably our inquiries to date have been unsuccessful in locating your parcel. Compensation for the original postage and the missing articles is now being considered. As previously advised, if approved, we will direct credit the compensation payment to your nominated bank account.

In order that this may be finalised, please provide the following, if not already supplied:

- A copy of the postage receipt
- A copy of the original customs declaration form (international postings only)
- Evidence of contents value
- Evidence of cost price (business customers only)
- Evidence of online auction details (online auction customers only)
- A copy of your bank account details

Please obtain all of the requested documentation and return it to us in the Freepost envelope provided within 5 days of this letter, so we can finalise your claim as soon as possible. Claims will not be processed until all of the relevant documentation has been provided.

Yours faithfully



Maiana Toatoa  
Customer Service Representative